

JUDGE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABIDEMI RUFAL,
a/k/a Sandy Tong

Defendant.

NO. CR21-5186BHS

ORDER ON DEFENDANT'S
MOTION TO CONTINUE

PRETRIAL MOTIONS CUTOFF,
PRETRIAL CONFERENCE AND
TRIAL DATE

Before this Court is a motion to continue the pre-trial motions cutoff date set for December 7, 2021, the pretrial conference set for January 24, 2022, and the trial date scheduled for February 1, 2022.

Additional time is necessary to be able to meet with the defendant to review discovery and to effectively prepare motions in this case. Further, negotiations are ongoing in this matter.

Defendant, Abidemi Rufai, is aware of this motion, has no objection, and will be filing a waiver of speedy trial through May 31, 2022.

AUSA Seth Wilkinson is aware of this motion and has no objection to this request, and stipulates to it.

1 THE COURT finds, after a consideration of all relevant information (including the
2 declaration filed by Lance M. Hester in support of the motion for a continuance, Dkt 35) and
3 the circumstances of this case, which are incorporated as findings of fact, that without this
4 continuance the defendant will be prejudiced and the ability to properly prepare for trial
5 would be impaired. Failure to grant a continuance under these circumstances would result in
6 a miscarriage of justice. The ends of justice would best be served by the granting of the
7 motion for continuance to ensure continuity of counsel and adequate trial preparation. The
8 ends of justice outweigh the best interests of the public and the defendant in having the
9 matter brought to trial sooner.

10 For these reasons, the Court further finds the defendant's motion for continuance
11 should be granted. The trial date presently scheduled for February 1, 2022, is continued to
12 May 31, 2022, at 9:00 a.m. The pretrial conference is rescheduled for May 23, 2022, at 2:00
13 p.m., and the pretrial motions cutoff date is April 8, 2022.

14 The period of delay resulting from this continuance from the current trial date of
15 February 1, 2022 to the new trial date of May 31, 2022, is hereby excluded for speedy trial
16 purposes under 18 USC § 3161(h)(8)(A) and (B) for purposes of computing the time
17 limitations imposed by the Speedy Trial Act, 18 USC § 3161-3174.

18 IT IS SO ORDERED.

19 DONE this 11th day of January, 2022.

20 
21 JUDGE BENJAMIN H. SETTLE

22 Presented by:

23 HESTER LAW GROUP, INC., P.S.
24 Attorneys for defendant

25 By: /s/ Lance M. Hester

LANCE M. HESTER
WSB #27813